



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

March 6, 2007

The Honorable Judith Spang, Chairman
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, New Hampshire 03301

**Re: HB 383, relative to waterfront and woodland buffer requirements in the
Comprehensive Shoreland Protection Act**

Dear Chairman Spang:

Thank you for the opportunity to comment on HB 383, which would modify RSA 483-B, the Comprehensive Shoreland Protection Act (CSPA), to replace the current method of establishing and maintaining a natural woodland buffer with a method that incorporates a waterfront buffer in the riparian area. The bill also establishes limitations on the amount of impervious surface allowed within the protected shoreland. The Department of Environmental Services (DES) strongly supports the intent of this legislation, except, for the reasons described below, the proposed requirement that an individual file a permit by notification with the municipality for any tree cutting within the natural woodland buffer. We also have one other recommendation for your consideration.

In 2005, with the passage of Senate Bill 83, the Legislature created the CSPA Commission to review the effectiveness of the CSPA. In 2006, after 13 months of meetings, the Commission filed a final report outlining its conclusions, as well as 17 recommendations for improving the effectiveness of the CSPA. HB 383 would enact the Commission's recommendations pertaining to the identification and protection of natural buffers along the protected shoreland, as defined in RSA 483-B. For example, if HB 383 passes, the method of quantifying the woodland buffer will be more easily understood and implemented by the regulated community. The impervious surface area criteria in the bill will make clearer the limitations on what can be done in the protected shoreland in terms of coverage with impervious structures.

DES recommends that HB 383 be amended to adopt the Commission's recommendation that primary building setbacks in all towns be at least 50 feet, to provide reasonable protection of the waterfront buffer.

HB 383 also proposes to require filing of a permit by notification with the municipality for any tree cutting within the natural woodland buffer. DES believes that this requirement would put an unreasonable burden on both landowners and municipalities and, therefore, suggests that this provision be deleted.

DES recommends that HB 383, along with related bills HB 665 and HB 857, be sent to subcommittee so that the necessary corrections to the language can be made. Again, thank you for this opportunity to comment on this bill. Please feel free to call me at 271-3503, or Rene Pelletier at 271-2951, if you have any questions or need additional information.

Very truly yours,


Thomas S. Burack
Commissioner

cc: Representatives O'Connell, Essex, and Sanders

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